

NOAA Administrative Standard Award Conditions

ATTACHMENT B

During the Federal Government's Fiscal Year 2006, NOAA fully implemented NOAA Grants Online. Grants Online is the premier Federal solution for full life-cycle grants management processing. Grants Online allows recipients to: Accept Awards electronically, Manage user roles for individuals within their organization, Submit post-Award action requests, Financial Reports, and Performance Progress reports. Grants Online operates in a web environment, and can be accessed anywhere at anytime provided that you have Internet access. You will be required to use an Internet browser to log in and to use Grants Online. **Internet Explorer** is the preferred browser for **PC users**; **FireFox** is the preferred browser for **MAC users**. No software is required for installation. Logins and passwords are required. If you do not have a password, you can contact the Grants Online Help Desk for assistance in obtaining your login credentials.

For more information, e-mail GrantsOnline.HelpDesk@noaa.gov or call the Help Desk at 301-444-2112 or toll free at 1-877-662-2478 between the hours of 8:00 am and 6:00 pm Eastern Time Monday through Friday excluding Federal holidays.

A. Award Payments

Your award payments will be made through electronic funds transfers using the U.S. Department of the Treasury's Automated Standard Application for Payments (ASAP) system. Grantees must enroll in ASAP system by emailing the following information to ASAP.Inquiries_Enrollment@noaa.gov :

1. EIN#
2. DUNS#
3. Name of Organization
4. Type of Organization (i.e. Non-profit, For Profit, State etc.)
5. Address
6. Point of Contact
7. Title
8. Point of Contact's Email Address
9. Phone Number

Please put the award number on the subject line of the email for reference.

Please refer to the NOAA website at: <http://www.ago.noaa.gov/grants/grantees.shtml> for additional information.

B. Financial Reports

Federal Financial Reports are to be completed in NOAA's Grants Online System. Grants Online will notify your organization via email when your reports are available for completion and submission through NOAA Grants Online. Recipients are responsible for ensuring all personnel listed on an award have a current email address. The status of reports can be seen under Associated Documents under the Grant File.

NOAA Administrative Standard Award Conditions

To complete a report, login to NOAA Grants Online at <https://www.GrantsOnline.noaa.gov>, search for the award and navigate to the Grants File overview page. Then find the report near the bottom of the page and click on the link to the report to start filling it out. For multiple awards that require SF-272s covering the same period, you may create and submit a multi-award SF-272 from the Awards tab. For additional assistance with Grants Online, please review the Grantee Quick Reference Guide available at <http://rdc.noaa.gov/~GrantsOnline/Training>. This site also has additional detailed Grantee assistance material. If you are having problems with your access to Grants Online, please contact the Grants Online Help Desk at 1-877-662-2478 or GrantsOnline.HelpDesk@noaa.gov.

1. Financial Status Report (SF-269) - (final report only)

- a. A final comprehensive Financial Status Report shall be submitted, within 90 days after award expiration. The report shall cover the entire project period from the start date through the end date of the original award or approved extended end date of the award and must include the cumulative total of indirect costs charged to the award.
- b. The recipient may use the SF-269A (short form) if no program income was generated during the award period.

2. Federal Cash Transaction Report (SF-272) - (due semi-annually)

- a. The SF-272 shall be submitted on a semi-annual basis. If the recipient is reporting on more than one NOAA grant and/or agreement, then the SF-272A must also be provided as instructed on the form.
- b. Interim semi-annual Federal Cash Transaction Reports (SF-272) are due no later than 30 days after the semi-annual reporting periods ending March 31 and September 30 for the entire project period of the award.
- c. A final Federal Cash Transaction Report is due within 90 days after award expiration. The report shall cover the last semi-annual reporting period ending on September 30 or March 31, or a portion thereof, based on the end date or approved extended end date of the award.
- d. The SF-272 is due for Recipients using the Department of Treasury ASAP system for payment. If converting to ASAP during the course of the Award, the SF-272 forms will be due as described above starting with the ASAP conversion date.

3. Request for Advance or Reimbursement (SF-270) Designated High Risk Grantees Only

- a. The SF-270 shall NOT be submitted by Recipients using the Department of Treasury ASAP system unless specifically directed by a Special Award Condition.
- b. The SF-270 shall be submitted using the NOAA Grants Online system as reimbursements are necessary for the financial management of the award.

NOAA Administrative Standard Award Conditions

- c. Interim semi-annual and final Federal Cash Transaction Reports (SF-272) are not required if a SF-270 is used.

C. Performance/Progress Reports

Performance/Progress Reports are to be completed in NOAA's Grants Online System. The Grants Online System will notify your organization through email, when your reports are available for completion and submission through NOAA Grants Online. Recipients are responsible for ensuring all personnel listed on an award have a current email address. The status of reports can be seen under Associated Documents under the Grant File.

To complete your report, login to NOAA Grants Online at <https://www.GrantsOnline.noaa.gov>, search for the award and navigate to the Grants File overview page. Then find the report near the bottom of the page and click on the link to the report to start filling it out. You must attach the report document for submission, or in the rare cases where there is very little to report, fill out the report in the report comments section. The Federal Program Officer is the authority on the acceptable form and content of Project Progress Reports. For additional assistance with Grants Online, please review the Grantee Quick Reference Guide available at <http://rdc.noaa.gov/~GrantsOnline/Training>. This site also has additional detailed Grantee assistance material. If you are having problems with your access to Grants Online, please contact the Grants Online Help Desk at 1-877-662-2478 or GrantsOnline.HelpDesk@noaa.gov.

- a. **Frequency:** Performance reports are due on a semi-annual basis, unless otherwise specified in an award condition, no later than 30 days following the end of each six (6) month period from the start date of the original award. The last semi-annual performance report is required. The final report, which summarizes activities conducted during the entire award must be submitted within 90 days following the end date of the project.

D. Post Award Action Requests for Non-Construction Awards

All Post Award Action request must be completed in Grants Online. NOAA Grants Online provides the ability for Recipients to submit 19 different Award Action Requests. Each request is described below with specific guidance for that kind of request

General Guidance and NOAA Business Rules

- NOAA requires that ALL Award Action Requests be approved by a Recipient Authorized Representative. Grants Online enforces this business rule by routing all requests through the Recipient Authorized Representative(s) for submission to NOAA.
- An Award End Date may ONLY be extended through:
 - A funded amendment through an application (SF-424)
 - A No-Cost Extension - Invocation of Expanded Authority
 - A No-Cost Extension - Without Invocation of Expanded Authority
- The Extension to Closeout is the only Award Action Request that may be initiated after the Award End Date.
 - An Extension to Closeout may not be requested after the closeout period has expired (90 days after the Award End Date unless an Extension to Closeout is in effect).

NOAA Administrative Standard Award Conditions

- A No-Cost Extension - Invocation of Expanded Authority must be submitted to NOAA 10 or more days prior to the Award End Date.
 - Grants Online automatically enforces this business rule.
- A No-Cost Extension - Without Invocation of Expanded Authority is required to be submitted to NOAA 30 or more days prior to the the Award End Date.
 - Grants Online does not enforce this business rule, but failure to meet this requirement is sufficient grounds for rejection of the request by NOAA.
- Recipients having Expanded Authorities must exercise their No-Cost Extension - Invocation of Expanded Authority before they request a No-Cost Extension - Without Invocation of Expanded Authority.
 - Grants Online does not enforce this business rule. Enforcement is at the discretion of the Grants Specialist.
- The "Other" Award Action Request may or may not produce an amendment. Use this Award Action Request if you have a request that does not fit under any other category. Please work with your Federal Program Officer to determine if you should submit the "Other" Award Action Request. In many cases, an email request to, and email approval by the Federal Program Officer is sufficient. The Federal Program Officer can attach the correspondence to the Grants File as evidence of the transaction.

Grants Online Processing Guidance

From the [Grants Online Grantee Quick Reference Guide](#) :

1. Click the "Award" tab.
2. Click the "Search" or the "Search Award" link. The "Search Award" page is displayed.
3. Click the "Search" button on the "Search Award" page. When your search results populate, click the award number for which you are submitting your AAR.
4. On the "Grants File" launch page, select the "Create Award Action Request" action from the action dropdown menu then click the "Submit" button.
5. The "Award Action Request Index" page is displayed with the available AARs. Click the link to the AAR that you wish to submit. The requested page will be displayed for you to complete. Enter the required fields and click the "Save" button.
6. The AAR page is re-displayed with the attachment link and other fields. You can upload documents. After completing the required information, click the "Save and Return to Main" button. Another message will display where you can confirm your request and start workflow, click the "Yes" button.
7. A review task is sent to your "Task" inbox for this request. Follow the steps listed under the Processing a Task in [this document](#). The review task will go first to the creator of the document and then to the Recipient Authorized Representative(s) in the organization. If you have the role of "Recipient Authorized Representative" you will have to submit the request to NOAA, thus you will have processed two tasks..

List of Award Action Requests

Listed below is each kind of Award Action Request in the same relative location as it is found on the Award Action Request selection page in Grants Online. Those marked with an asterisk always require

NOAA Administrative Standard Award Conditions

an amendment. The others generally do not, but might if any Special Award Conditions are associated with the request approval.

* No Cost Extension - Without Invocation of Expanded Authority	No Cost Extension - Invocation of Expanded Authority
Extension to Close Out	Reprogram or Rebudget
* Change in Scope	Equipment Purchase
<u>d</u> * Transfer of Award	Foreign Travel
Change in Principal Investigator	Sole Source Contract
Change in Institution Name	Other
Change in Key Person Specified in the Application	Absence of more than 3 months or 25% by project director or PI
Satisfied Special Award Conditions	Inclusion of cost that require prior approval based on cost principles
Transfer of funds allotted for training to other categories of expenses	* Sub award, transfer or contracting out of any work under the award if not described in the approved application
Pre-Award Cost	

Specific Guidance on each Award Action Request

1) No Cost Extension - Without Invocation of Expanded Authority

- a. If the recipient believes it is necessary to obtain a no-cost extension to complete the approved program description and objectives beyond the expanded authority granted above, then the recipient shall submit a written request to the Federal Program Officer who will in turn forward the request, along with a Program Officer recommendation, to the Grants Officer who will then make the final determination in writing. The written request must clearly justify why the extension is needed and explain what activities are remaining to be accomplished under the award and what funds are still available to support the activity. In addition, the award must be in compliance with all terms and conditions of the award, including submission of all required reports.
- b. The request to extend the award period shall be submitted to the Federal Program Officer at least 30 days prior to the expiration of the award to provide the minimum time needed to review the request. The recipient proceeds at their own risk of incurring costs beyond the award expiration if the request is not submitted to NOAA at least 30 days prior to the expiration.
- c. Any extension request submitted to NOAA after the expiration of the award shall be denied. Requests for reconsideration of extreme circumstances that resulted in failure to request an extension before the end of the award period must be submitted in writing and will only be

NOAA Administrative Standard Award Conditions

considered by the Grants Officer on a case-by-case basis. Awards which are not in compliance with all terms and conditions of the award, including submission of all required reports, will not be reconsidered.

Assistance and Business Rules related to the No Cost Extension - Without Invocation of Expanded Authority:

- The written request must clearly justify why the extension is needed and explain what activities are remaining to be accomplished under the award and what funds are still available to support the activity.
 - Grants Online requires that the justification be filled out.
 - Grants Online requires the attachment of a document containing a budget of remaining funds.
- The request to extend the award period shall be submitted to the Federal Program Officer at least 30 days prior to the expiration of the award ...
 - Grants Online does not enforce this business rule, but failure to meet this requirement is sufficient grounds for rejection of the request by NOAA.
- Any extension request submitted to NOAA after the expiration of the award shall be denied...
 - Grants Online enforces this business rule. You cannot submit any Award Action Request other than an Extension to Closeout after the award expiration date.
- Once submitted to NOAA through Grants Online by the Recipient Authorized Representative, the No Cost Extension action will automatically be forwarded to the correct NOAA personnel for approval.
- This action results in an amendment to the award. It is not considered to be completed until the Recipient Authorized Representative has accepted the Amendment. Tasks and notifications will be generated for the Recipient Authorized Representatives after the Grants Officer approves the Amendment.

2) No Cost Extension - Invocation of Expanded Authority

1. Extensions to the Period of Performance/Award Period - Expanded Authority

- a. All recipients covered under 15 CFR Part 14 (e.g., educational institutions/non-profits), with non-construction awards are herein granted authority to initiate a one-time no-cost extension to the award period of up to one year without prior approval as long as the Grants Officer is notified in writing at least 10 days prior to expiration of the award with an explanation of the reason for the extension and none of the following conditions apply:
 - i. There are other special award conditions that prohibit the extension.
 - ii. The extension requires additional federal funds.
 - iii. The extension involves any change in program objectives or scope of the project.
- b. This authority to extend the award period without prior approval may not be exercised merely for the purpose of using unobligated funds. Recipients must maintain compliance with all terms and

NOAA Administrative Standard Award Conditions

conditions of the award, including submission of required reports, or this expanded authority may be revoked. (This authority should not be utilized to extend continuing awards that are pending determination by the Grants Officer - see Administrative Extensions below.)

- c. For recipients covered under 15 CFR Part 14 (e.g., educational institutions/non-profits), the written notification to the Grants Officer must clearly state that the award is being extended under the expanded authorities of 15 CFR 14.25(e), provide the new expiration date of the award, and explain the reason for the extension.

Assistance and Business Rules related to the No Cost Extension - Invocation of Expanded Authority:

- The execution of the No Cost Extension - Invocation of Expanded Authority by the recipient is completely automatic in Grants Online. Once the notification is submitted to NOAA by the Recipient Authorized Representative, the Award End Date is immediately updated to reflect the new end date. The only human interaction on the NOAA side is a task for the Finance person to extend the funding availability end date in the Department of Treasury ASAP payment system. Notifications are sent to the Program Officer and the Grants Specialist of the new Award End Date. This action does NOT result in an amendment to the Award.
- Grants Online enforces the 10 day rule (see above). If you do not submit the No Cost Extension - Invocation of Expanded Authority 10 or more days prior to the expiration of the award period, the system will prohibit you from doing so.
- Only one No Cost Extension - Invocation of Expanded Authority can be submitted per award. Grants Online enforces this business rule. If a No Cost Extension - Invocation of Expanded Authority, exists, whether it has been submitted to NOAA or not, the link to create another will be disabled.
- Recipients designated as High Risk are not authorized to invoke their Expanded Authorities. Grants Online enforces this business rule. If you are designated as a High Risk, the link to create the No Cost Extension - Invocation of Expanded Authority will be disabled.
- The NOAA Grants Management Division requires that **ALL** No Cost Extension - Invocation of Expanded Authority actions be for a 1-year duration. Grants Online enforces this business rule.
- **The NOAA Grants Management Division requires that recipients who have the capability of executing the No Cost Extension - Invocation of Expanded Authority do so BEFORE requesting a No Cost Extension - Without Invocation of Expanded Authority.** Requests for No Cost Extension - Without Invocation of Expanded Authority submitted prior to the No Cost Extension - Invocation of Expanded Authority will be denied by the Grants Specialist. Grants Online does not enforce this business rule.
- Only certain kinds of organizations are eligible for Expanded Authorities. Grants Online enforces this business rule. If your organization is not an eligible type, the link to create the No Cost Extension - Invocation of Expanded Authority will be disabled. The following organization types are eligible for Expanded Authority:
 - Independent School District
 - Public/State Controlled Institution of Higher Education
 - Nonprofit with 501C3 IRS Status (Other than Institution of Higher Education)
 - Nonprofit without 501C3 IRS Status (Other than Institution of Higher Education)
 - Private Institution of Higher Education

NOAA Administrative Standard Award Conditions

- Individual
- For-Profit Organization (Other than Small Business)
- Small Business
- Hispanic-serving Institution
- Historically Black Colleges and Universities (HBCUs)
- Tribally Controlled Colleges and Universities (TCCUs)
- Alaska Native and Native Hawaiian Serving Institutions
- Non-domestic (non-US) Entity
- An award MUST support research in order to be eligible for Expanded Authority. This is determined by the Program Officer during application review. Grants Online enforces this business rule. If the Program Officer for the award determines that the award does not support research, the link to create the No Cost Extension - Invocation of Expanded Authority will be disabled.

3) Extension to Close Out

- a. Recipients have 90 days after the award expires to submit all reports required by the terms and conditions of the award and liquidate all obligations incurred. An extension to the closeout period should only be requested to complete the preparation of final reports and make final payments.
- b. An extension to the closeout period of up to an additional 60 days may be approved by the Grants Officer if a written request (or email) is submitted to the Grants Officer before the expiration of the 90-day closeout period.
- c. Any closeout extension requests submitted to the Grants Officer after the expiration of the award shall be denied. Requests for reconsideration of extreme circumstances that resulted in failure to request a closeout extension before it lapsed must be submitted in writing and will only be considered by the Grants Officer on a case-by-case basis.
- d. If the final Financial Status Report (SF-269) and all other required reports are not provided by the expiration of the closeout period or approved extended closeout period, the Grants Officer shall proceed with the enforcement remedies for non-compliance including, but not limited to withholding payments and withholding further award actions as allowed under the applicable administrative rules [15 CFR §14.62 and 15 CFR §24.43].

Assistance and Business Rules related to the Extension to Close Out:

- The Extension to Closeout is available as one of the selections in the list of Award Action Requests. The availability of this list is limited to the award's project period.
- After the award project period has expired. The Recipient no longer has access to the Create Award Action Request link on the Grants File launch page. Instead, this is replaced by the link: *Request Extension to Closeout*. This link is available until the award closeout period has expired (see (a) and (b) above). Although Grants Online allows submission of requests for Extension to Closeout until the closeout period has expired, the NOAA Grants Management Division may deny any requests made during this time based on (c) above.

NOAA Administrative Standard Award Conditions

- The request for an Extension to Closeout must be submitted to NOAA and approved by the Grants Officer before the extension date will take effect.
- An approved Extension to Closeout extends the date upon which final Federal Financial Reports and Project Progress Reports are due. It also extends the date during which the recipient can draw down funds from the Department of Treasury ASAP payment system.
- An approval of the Extension to Closeout does not result in an amendment to the Award. The Recipient Authorized Representative will be notified by Grants Online of the approval or rejection of the request.
- Additional work on the award project is prohibited during the closeout period. If additional time is needed to complete the project, a No Cost Extension **MUST** be requested.

4) Reprogram or Rebudget for Non-Construction Awards

1. Creation of a new direct cost line item category within an approved budget for costs allowable under the applicable cost principles will not require prior approval from the Grants Officer unless the new direct cost category exceeds 10% of the total Federal share of the award and/or if the cumulative budget transfer threshold of DOC Financial Assistance Standard Term and Condition A.04.b will be exceeded with the creation of the new line item.
2. Requests for prior approval of any budget revisions that transfer funds among line item cost categories shall be submitted on the SF-424A (or other OMB approved budget form) showing the total budget for the award along with a detailed budget narrative explaining the funds transferred. The revised budget request shall be submitted to the Federal Program Officer who will in turn forward the request, along with a Program Officer recommendation, to the Grants Officer who will make the final determination in writing.
3. Requests to change and/or add program objectives or tasks that do not involve a transfer of funds between direct cost categories do not constitute a budget revision and therefore do not require submission of the SF-424A. Notwithstanding DOC Financial Assistance Standard Term and Condition B.03, any programmatic changes shall be submitted directly to the Federal Program Officer who will in turn forward the request, along with a Program Officer recommendation, to the Grants Officer who will then make the final determination in writing via a CD-451, Amendment to Financial Assistance Award.
4. The Recipient is prohibited from expending award funds (federal and/or non-federal) or the recipient's provision of in-kind goods or services, for the purposes of providing transportation, travel, or any other expenses for any Federal employee unless specifically authorized in the award document.

Assistance and Business Rules related to Reprogram or Rebudget:

- You must attach a new SF-424A describing the Reprogram or Rebudget, as well as a detailed budget narrative explaining the proposed funds transfer
- Once submitted to NOAA through Grants Online by the Recipient Authorized Representative, the Reprogram or Rebudget action will automatically be forwarded to the correct NOAA personnel for approval.

NOAA Administrative Standard Award Conditions

- The approval of a Reprogram or Rebudget request does not normally result in an amendment to the award. The Recipient Authorized Representative(s) will be notified by Grants Online of the approval or rejection of the request. An amendment to the award may result from this request if NOAA determines that it is appropriate to do so.
- If a Reprogram or Rebudget request includes a request for a no cost extension, then you must also submit a No Cost Extension - Without Invocation of Expanded Authority Award Action Request.

5) Change in Scope

15 CFR Part 14, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Nonprofit, and Commercial Organizations" states the following:

§ 14.25 Revision of budget and program plans.

...

(c) For nonconstruction awards, recipients shall request prior approvals from the Grants Officer for one or more of the following program or budget related reasons. Approvals will be provided in writing by the Grants Officer

...

(1) Change in the scope or the objective of the project or program (even if there is no associated budget revision requiring prior written approval).

15 CFR Part 24, "Uniform Administrative Requirements for Grants and Agreements to State and Local Governments" states the following:

§ 24.30 Changes.

...

(d) *Programmatic changes.* Grantees or subgrantees must obtain the prior approval of the awarding agency whenever any of the following actions is anticipated:

...

(1) Any revision of the scope or objectives of the project (regardless of whether there is an associated budget revision requiring prior approval).

In general, the Recipient Principal Investigator may make changes in the methodology, approach, or other aspects of the project objectives. However, the Recipient must obtain prior approval from NOAA for a change in the direction, type of research or training, or other areas that constitute a significant change from the aims, objectives, or purposes of the approved project. The grantee must make the initial determination of the significance of a change and should consult with their Program Officer as necessary.

Actions likely to be considered a change in scope and, therefore, requiring NOAA prior approval include, but are not limited to, the following:

- Change in the specific goals and objectives approved at the time of award.
- Shift of the research emphasis.
- Change in the approved project areas or species.

NOAA Administrative Standard Award Conditions

- Change in the amount of work from the approved project description, e.g. number of samples collected

Assistance and Business Rules related to Change in Scope:

- The justification for the Change in Scope may either be entered in the text area or in an attached file.
- Any Change in Scope which results in a decrease in Federal and/or Recipient funding must be accompanied by an SF-424A (or SF-242C for construction awards) and a budget narrative describing the planned expenditure of the remaining funds. The request for a decrease in funding must be clearly and prominently stated.
 - Any request for a reduction in match for a competitively awarded grant or cooperative agreement will be denied by the NOAA Grants Management Division.
 - Any request for a reduction in match for a grant or cooperative agreement which has a statutory match in place will be denied by the NOAA Grants Management Division.
- If a Change in Scope request includes a request for a no cost extension, then you must also submit a No Cost Extension - Without Invocation of Expanded Authority Award Action Request.
- Upon submission to NOAA by the Recipient Authorized Representative, the Change in Scope request will automatically be routed to the correct NOAA personnel for review and approval.
- An approved Change in Scope will always result in an Amendment to the Award. Upon approval by the Grants Officer, the Recipient Authorized Representative(s) will be notified of the approved amendment and tasks will be generated for acceptance. The Amendment must be accepted by the Recipient in order to take effect.

6) Equipment Purchase

The Department of Commerce Financial Assistance Standard Terms and Conditions, on Page 23, states the following:

M. MISCELLANEOUS REQUIREMENTS

...

.03 American-Made Equipment and Products.

Recipients are hereby notified that they are encouraged, to the greatest extent practicable, to purchase American-made equipment and products with funding provided under this award.

The definition for equipment, as stated in 45 CFR Parts 74 and 92, is an article of tangible nonexpendable personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. For awards subject to 15 CFR Part 14, equipment also includes exempt property charged directly to the award.

Recipients must submit an Award Action Request for approval prior to purchasing equipment.

Assistance and Business Rules related to Equipment Purchase:

- Recipients must answer the following question (presented on the Equipment Purchase page: "Was Lease vs. Purchase Analysis Completed?". If the answer is yes, then the analysis must be

NOAA Administrative Standard Award Conditions

attached to the Award Action Request. If the answer is no, then provide justification for not doing the analysis.

- The proposed Equipment Purchase must be listed in the project proposal on the SF-424A, Section B, Line E. If it is not, then a Reprogram or Rebudget Award Action Request must also be submitted.
- The equipment description should include a narrative description, including the equipment function if it is unusual. It should also include make and model if appropriate.
- The justification should include the previously mentioned lease vs. purchase discussion, as well as the purpose (related to the objectives of the award) for which the equipment is to be used.
- Upon submission to NOAA by the Recipient Authorized Representative, the Equipment Purchase request will automatically be routed to the correct NOAA personnel for review and approval.
- The approval of an Equipment Purchase request does not normally result in an amendment to the award. The Recipient Authorized Representative(s) will be notified by Grants Online of the approval or rejection of the request. An amendment to the award may result from this request if NOAA determines that it is appropriate to do so.

7) Transfer of Award

The Department of Commerce Grants and Cooperative Agreements Interim Manual, Chapter 16 - Page 9 (page 105 of 138), states:

W. Transfer of Award. In certain circumstances, the Program Officer and the recipient may agree that it would be in the best interests of the government and the recipient for an award to be transferred by DOC to a replacement recipient.

1. When the two organizations, the Program Officer and the Grants Officer agree that it is in the best interests of the Federal Government and the intended beneficiaries of the award to allow the transfer, the Grants Officer will amend the award to transfer it to the new recipient organization. In such cases, the Program Officer must submit a request to the Grants Officer to change recipients. The request shall include documentation attesting to the original recipient's and proposed replacement recipient's consent to the proposed transfer. Such documentation must include a written agreement between the original recipient and the proposed replacement recipient executed by authorized representatives of both parties. In this instance, the organization relinquishing the award will be liable for all programmatic activities and all funds expended under the award prior to the effective date of the transfer. The relinquishing organization will be responsible for all closeout activities, including having an audit performed, if required, for the award prior to the effective date of the transfer. The organization to which the award is transferred must submit an application (if appropriate) which includes a proposal and detailed budget narrative (a maximum of an original and two copies may be required by the Federal awarding agency). The following forms must also be submitted, as applicable: the SF-424, SF-424A, SF-424B, SF-424C, SF-424D, CD-511, CD-346, SF-LLL, or any other approved program specific forms. The Program Officer will review all documents and make a recommendation as to the applicant's adequacy to meet program requirements which will be forwarded to the Grants Office along with the request. This review will be the same as the review of any new application, including a responsibility check on the applicant, unless that function is performed by the Grants

NOAA Administrative Standard Award Conditions

Office. The language in the amendment must clearly delineate the responsibilities of both parties to the transfer.

2. Novation Agreement. A novation occurs when one organization takes over all of the liabilities and responsibilities of another organization. This might occur as a result of a merger, one organization buying another, an organization going out of business and entering into an agreement with another organization to take over its business, or a variety of other reasons.
 - a. When an organization seeks to transfer an award to another organization as a result of a novation agreement, the two organizations must submit a proposed novation agreement to the Grants Officer, signed by the CEOs, Presidents, or equivalent fiduciary officers of the two organizations. The novation agreement must state that all rights, duties and obligations of the award are transferred without further claim and that the new recipient agrees to accept them. Furthermore, the new recipient must meet statutory and regulatory eligibility requirements. In the case of successor-in-interest organizations, the recipient shall submit relevant documentation reflecting the relationship between the recipient and the successor organization.
 - b. The Grants Officer will consult with the OGC on the legal merits of the proposed novation. If the novation is determined to be in order, the Grants Officer will request that the proposed new recipient submit an application and an amended proposal (if appropriate) to effect the change in award recipient. The application must include an original proposal and detailed budget narrative. The following forms must be submitted, as applicable: the SF-424, SF-424A, SF-424B, SF-424C, SF-424D, SF-511, CD-346, SF-LLL, or any other approved program specific forms. The Grants Officer will then obtain a review and written recommendation regarding the proposed novation from the Program Officer as to the programmatic efficacy of the proposed agreement. The Program Officer should examine whether the scope of work has changed or if there are other issues arising that would put the initial competitive selection in jeopardy because of differences between the original and the new recipient and review any related budgetary changes. The Grants Officer must make a responsibility determination regarding the new recipient. If the Grants Officer then determines that the award should continue, he/she will issue an amendment to the award to effect the transfer to the subsuming organization.

Assistance and Business Rules related to Transfer of Award:

- The most common reason for a Transfer of Award is due to the transfer of the Principal Investigator from one organization to another. Please discuss the Transfer of Award with your NOAA Federal Program Officer early in the planning stages. Due to budgetary and other administrative considerations, it may be necessary to take an alternative approach, e.g. a sub-award to the new organization.
- The organization that is losing the Award initiates their part of the Transfer of Award by submitting the Novation Agreement through the Transfer of Award Award Action Request.
- A short description of the reason for the Transfer of Award and identification of the replacement Recipient is required in the Justification text box.
- The NOAA Federal Program Officer will work with the replacement Recipient on submission of an application for the new Award.

NOAA Administrative Standard Award Conditions

- Upon submission to NOAA by the Recipient Authorized Representative, the Transfer of Award request will automatically be routed to the correct NOAA personnel for review and approval.
- The approval of Transfer of Award request will produce termination amendment. The Recipient Authorized Representatives will be notified of the Amendment after it is approved by the Grants Officer. This amendment must be accepted by the Recipient in order to take effect.

8) Foreign Travel

The Department of Commerce Financial Assistance Standard Terms and Conditions, on Page 22, states the following:

M. MISCELLANEOUS REQUIREMENTS

...

.02 Foreign Travel

- a. The recipient shall comply with the provisions of the Fly America Act (49 USC § 40118). The implementing regulations of the Fly America Act are found at 41 CFR §§ 301-10.131 through 301-10.143.
- b. The Fly America Act requires that Federal travelers and others performing U.S. Government-financed foreign air travel must use U.S. flag air carriers, to the extent that service by such carriers is available. Foreign air carriers may be used only in specific instances, such as when a U.S. flag air carrier is unavailable, or use of U.S. flag air carrier service will not accomplish the agency's mission.
- c. Use of foreign air carriers may also be used only if bilateral agreements permit such travel pursuant to 49 USC § 40118(b). DoC is not aware of any bilateral agreements which meet these requirements. Therefore, it is the responsibility of the recipient to provide the Grants Officer with a copy of the applicable bilateral agreement if use of a foreign carrier under a bilateral agreement is anticipated.
- d. If a foreign air carrier is anticipated to be used for any part of foreign travel, the recipient must receive prior approval from the Grants Officer. When requesting such approval, the recipient must provide a justification in accordance with guidance provided by 41 CFR § 301-10.142, which requires the recipient to provide the Grants Officer with the following: name; dates of travel; origin and destination of travel; detailed itinerary of travel, name of the air carrier and flight number for each leg of the trip; and a statement explaining why the recipient meets one of the exceptions to the regulations. If the use of a foreign air carrier is pursuant to a bilateral agreement, the recipient must provide the Grants Officer with a copy of the agreement. The Grants Officer shall make the final determination and notify the recipient in writing. Failure to adhere to the provisions of the Fly America Act will result in the recipient not being reimbursed for any transportation costs for which the recipient improperly used a foreign air carrier.

Assistance and Business Rules related to Foreign Travel:

- You must certify your compliance (or non-compliance) with the Fly America Act as part of the Award Action Request. Please explain your certification answer in the justification.
- In order to approve the request, the NOAA Grants Management Division requires enough details about your flight in order to determine if you are in compliance with the Fly America Act. Please

NOAA Administrative Standard Award Conditions

provide origin, destination, airline, flight dates/times, and other pertinent information in the justification.

- Upon submission to NOAA by the Recipient Authorized Representative, the Foreign Travel request will automatically be routed to the correct NOAA personnel for review and approval.
- The approval of a Foreign Travel request does not normally result in an amendment to the award. The Recipient Authorized Representative(s) will be notified by Grants Online of the approval or rejection of the request. An amendment to the award may result from this request if NOAA determines that it is appropriate to do so.

9) Change in Principal Investigator

Assistance and Business Rules related to Change in Principal Investigator:

- Please discuss the request for a Change in Principal Investigator with your NOAA Federal Program Officer early in the planning stages. Selection of applications for award are made partly on the qualifications of the Principal Investigator. NOAA may wish to consider alternative remedies, e.g. transferring the award to the current Principal Investigator's new organization.
- All of the new Principal Investigator fields must be filled out. As an alternative to typing in the PI information, you can click the "Search PI" link which will display all of the personnel from your organization that have the Recipient Investigator role. Clicking "Select" link for that person will fill out the information automatically on the Change in Principal Investigator screen.
- If your original application included a resume or Curriculum Vitae for the Principal Investigator, or if the NOAA Federal Program Officer requires it, you must submit the same for the proposed Principal Investigator.
- Upon submission to NOAA by the Recipient Authorized Representative, the Change in Principal Investigator request will automatically be routed to the correct NOAA personnel for review and approval.
- The approval of a Change in Principal Investigator request does not normally result in an amendment to the award. The Recipient Authorized Representative(s) will be notified by Grants Online of the approval or rejection of the request. An amendment to the award may result from this request if NOAA determines that it is appropriate to do so.
- After approval of a Change in Principal Investigator request, the Recipient Administrator(s) will be notified and assigned a task to "Manage Recipient Users". They should complete this task by assigning the new Principal Investigator to the Award and removing the old assignment. NOAA personnel cannot perform this task. The assigned Recipient Investigator(s) will receive notifications of required Project Progress Reports, so it is important that they be assigned to their awards.
- Changing the Principal Investigator associated with an Award in the Grants Online Manage Recipient Users or View/Manage Award-related Personnel features DOES NOT constitute notification or approval by NOAA of the change.
- Adding Recipient Investigators (who are not Principal Investigators) to the Award through the Grants Online Manage Recipient Users or View/Manage Award-related Personnel features is not prohibited. If you desire to give personnel a Recipient Investigator capability into specific Awards, NOAA has no objection to you adding them as Recipient Investigators without going through any permission procedures.

NOAA Administrative Standard Award Conditions

10) Sole Source Contract

Assistance and Business Rules related to Sole Source Contract:

- **Contract Definition:** The legal instrument reflecting a relationship between a recipient or subrecipient and contractor or between such contractor and subcontractor whenever the principal purpose of the relationship is the acquisition, by purchase, lease, or barter, of property or services.
- For the purchase of equipment, technology, or services under a NOAA award, Recipients must follow their own policies and procedures on procurement as long as those requirements conform to the Federal procurement requirements set forth in 28 CFR § 66.36 and 28 CFR § 70 (as applicable). The Recipient Authorized Representative should submit an Award Action Request for a Sole Source Contract if it is determined that the award of a contract through a competitive process is infeasible, and if one of the following circumstances applies:
 1. The item/service is available only from one source.
 2. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.
 3. Competition is determined inadequate after solicitation of a number of sources.
- The recipient must seek written authorization from NOAA for sole source procurements in excess of \$100,000. Approval for sole source procurements from the NOAA Grants Officer must be received prior to purchasing equipment, technology or services, obligating funding for a contract, or entering into a contract with award funds.
- The justification must certify that the award of the contract through full and open competition is infeasible. The request must also identify which of the three circumstances identified above apply to the procurement transaction. In addition, the request should include the following:
 1. A brief description of the project and the purpose of contract.
 2. An explanation as to why it is necessary to contract in a noncompetitive manner. The explanation must contain the following:
 - a. Expertise of the contractor
 - b. Management
 - c. Responsiveness
 - d. Knowledge of project
 - e. Experience of contractor personnel
 - f. Results of a market survey to determine competition availability; if no survey is conducted, please explain why not
 3. Time Constraints.
 - a. When the contractual coverage is required by your organization and why
 - b. Impact on project if deadline/dates are not met
 - c. How long it would take an alternative contractor to reach the same required level of competence (equated to dollar amounts, if desired).
 4. Uniqueness.
 5. Additional supporting information
 6. A declaration that this action/choice is in the best interest of the agency.
- You may enter the justification in the provided text box, but it is probably more appropriate to attach it as a file.

NOAA Administrative Standard Award Conditions

- Upon submission to NOAA by the Recipient Authorized Representative, the Sole Source Contract request will automatically be routed to the correct NOAA personnel for review and approval.
- The approval of a Sole Source Contract request does not normally result in an amendment to the award. The Recipient Authorized Representative(s) will be notified by Grants Online of the approval or rejection of the request. An amendment to the award may result from this request if NOAA determines that it is appropriate to do so.

11) Change in Institution Name

Assistance and Business Rules related to Change in Institution Name:

- The Change in Institution Name Award Action Request may not be used for transferring awards between organizations.
- A certification that the organization's EIN and DUNS numbers have not changed, or inclusion of the new numbers is required as part of the justification.
- Upon submission to NOAA by the Recipient Authorized Representative, the Change in Institution Name request will automatically be routed to the correct NOAA personnel for review and approval.
- The approval of a Change in Institution Name request does not normally result in an amendment to the award. The Recipient Authorized Representative(s) will be notified by Grants Online of the approval or rejection of the request. An amendment to the award may result from this request if NOAA determines that it is appropriate to do so.

12) Other

Assistance and Business Rules related to Other:

- The "Other" Award Action Request may or may not produce an amendment. Use this Award Action Request if you have a request that does not fit under any other category. Please work with your Federal Program Officer to determine if you should submit the "Other" Award Action Request. In many cases, an email request to, and email approval by the Federal Program Officer is sufficient. The Federal Program Officer can attach the correspondence to the Grants File as evidence of the transaction.
- The "Other" Award Action Request requires both a description and a justification. Please provide sufficient information in both text areas to allow NOAA personnel to make an appropriate decision.
- Upon submission to NOAA by the Recipient Authorized Representative, the "Other" Award Action Request will automatically be routed to the correct NOAA personnel for review and approval.
- If the approval of an "Other" Award Action Request will produce an amendment, the Recipient Authorized Representatives will be notified of the Amendment after it is approved by the Grants Officer. This amendment must be accepted by the Recipient in order to take effect.

NOAA Administrative Standard Award Conditions

13) Change in Key Person Specified in the Application

15 CFR Part 14, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Nonprofit, and Commercial Organizations" states the following:

§ 14.25 Revision of budget and program plans.

...

(c) For nonconstruction awards, recipients shall request prior approvals from the Grants Officer for one or more of the following program or budget related reasons. Approvals will be provided in writing by the Grants Officer

...

(2) Change in a key person specified in the application or award document.

15 CFR Part 24, "Uniform Administrative Requirements for Grants and Agreements to State and Local Governments" states the following:

§ 24.30 Changes.

...

(d) *Programmatic changes.* Grantees or subgrantees must obtain the prior approval of the awarding agency whenever any of the following actions is anticipated:

...

...

(3) Changes in key persons in cases where specified in an application or a grant award. In research projects, a change in the project director or principal investigator shall always require approval unless waived by the awarding agency..

Assistance and Business Rules related to Change in Key Person Specified in the Application:

- Please discuss the request for a Change in Key Person Specified in the Application with your NOAA Federal Program Officer prior to submission of the Award Action Request through Grants Online.
- All of the new Key Person fields must be filled out. As an alternative to typing in the Key Person information, you can click the "Search Person" link which will display all of the personnel from your organization that have a Recipient User role. Clicking "Select" link for that person will fill out the information automatically on the Change in Key Person Specified in the Application screen.
- If your original application included a resume or Curriculum Vitae for the Key Person, or if the NOAA Federal Program Officer requires it, you must submit the same for the proposed Key Person.
- Upon submission to NOAA by the Recipient Authorized Representative, the Change in Key Person Specified in the Application request will automatically be routed to the correct NOAA personnel for review and approval.
- The approval of a Change in Key Person Specified in the Application request does not normally result in an amendment to the award. The Recipient Authorized Representative(s) will be notified by Grants Online of the approval or rejection of the request. An amendment to the award may result from this request if NOAA determines that it is appropriate to do so.

NOAA Administrative Standard Award Conditions

- After approval of a Change in Key Person Specified in the Application request, the Recipient Administrator(s) will be notified and assigned a task to "Manage Recipient Users". They should complete this task by assigning the new Key Person to the Award and removing the old assignment. NOAA personnel cannot perform this task. The assigned Key Person(s) will receive notifications of required Project Progress Reports and required Federal Financial Reports, so it is important that they be assigned to their awards.
- Changing Key Persons associated with an Award in the Grants Online Manage Recipient Users or View/Manage Award-related Personnel features DOES NOT constitute notification or approval by NOAA of the change.
- Adding Key Persons who are not specified on the application to the Award through the Grants Online Manage Recipient Users or View/Manage Award-related Personnel features is not prohibited. If you desire to give personnel a view capability into specific Awards, NOAA has no objection to you adding them as Key Persons without going through any permission procedures.

14) Absence of more than 3 months or 25% by project director or PI

15 CFR Part 14, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Nonprofit, and Commercial Organizations" states the following:

§ 14.25 Revision of budget and program plans.

...

(c) For nonconstruction awards, recipients shall request prior approvals from the Grants Officer for one or more of the following program or budget related reasons. Approvals will be provided in writing by the Grants Officer

...

(3) The absence for more than three months, or a 25 percent reduction in time devoted to the project, by the approved project director or principal investigator.

Assistance and Business Rules related to Absence of more than 3 months or 25% by project director or PI:

- If attaching the justification, please just enter "See attachment." in the justification text area.
- Upon submission to NOAA by the Recipient Authorized Representative, the Absence of Project Director or PI request will automatically be routed to the correct NOAA personnel for review and approval.
- The approval of a Absence of Project Director or PI request does not normally result in an amendment to the award. The Recipient Authorized Representative(s) will be notified by Grants Online of the approval or rejection of the request. An amendment to the award may result from this request if NOAA determines that it is appropriate to do so.

15) Satisfied Special Award Conditions

Assistance and Business Rules related to Satisfied Special Award Conditions:

- Many awards contain Special Award Conditions that require evidence of completion. Examples are special fishing permits, environmental assessments, property deeds, and building permits.

NOAA Administrative Standard Award Conditions

- The Special Award Conditions are available in a drop-down list on the Award Action Request details page. Please choose the appropriate condition that is being satisfied.
 - After selecting the Special Award Condition, the SAC Description text box will automatically be filled out with the Special Award Condition details.
 - The Due Date field cannot be filled out. This is also filled out by information associated with the selected Special Award Condition if applicable.
 - Many older awards that were migrated from NOAA's older database will not have the individual Special Award Conditions available. In this case, select the closest Special Award Condition to that which you are satisfying and reference the relevant Special Award Condition. If no Special Award Conditions exist for the older award, please contact the Help Desk for assistance in getting the condition migrated for availability.
- Fill out the justification in the provided text area and attach associated files after you click the Save button.
- Upon submission to NOAA by the Recipient Authorized Representative, the Satisfied Special Award Conditions request will automatically be routed to the correct NOAA personnel for review and approval.
- The approval of a Satisfied Special Award Conditions request does not normally result in an amendment to the award. The Recipient Authorized Representative(s) will be notified by Grants Online of the approval or rejection of the request. An amendment to the award may result from this request if NOAA determines that it is appropriate to do so.

16) Inclusion of cost that require prior approval based on cost principles

15 CFR Part 14, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Nonprofit, and Commercial Organizations" states the following:

§ 14.25 Revision of budget and program plans.

...

(c) For nonconstruction awards, recipients shall request prior approvals from the Grants Officer for one or more of the following program or budget related reasons. Approvals will be provided in writing by the Grants Officer

...

(6) The inclusion, unless waived by the DoC, of costs that require prior approval in accordance with OMB Circular A-21, "Cost Principles for Educational Institutions," OMB Circular A-122, "Cost Principles for Non-Profit Organizations," 45 CFR part 74 Appendix E, "Principles for Determining Costs Applicable to Research and Development under Grants and Contracts with Hospitals," or 48 CFR part 31, "Contract Cost Principles and Procedures," as applicable.

Assistance and Business Rules related to Inclusion of cost that require prior approval based on cost principles:

- The cost amount and a justification are required.
- If attaching the justification, please just enter "See attachment." in the justification text area.
- Upon submission to NOAA by the Recipient Authorized Representative, the Inclusion of Cost request will automatically be routed to the correct NOAA personnel for review and approval.

NOAA Administrative Standard Award Conditions

- The approval of an Inclusion of Cost request does not normally result in an amendment to the award. The Recipient Authorized Representative(s) will be notified by Grants Online of the approval or rejection of the request. An amendment to the award may result from this request if NOAA determines that it is appropriate to do so.

17) Transfer of funds allotted for training to other categories of expenses

15 CFR Part 14, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Nonprofit, and Commercial Organizations" states the following:

§ 14.25 Revision of budget and program plans.

...

(c) For nonconstruction awards, recipients shall request prior approvals from the Grants Officer for one or more of the following program or budget related reasons. Approvals will be provided in writing by the Grants Officer

...

(7) The transfer of funds allotted for training allowances (direct payment to trainees) to other categories of expense.

15 CFR Part 24, "Uniform Administrative Requirements for Grants and Agreements to State and Local Governments" states the following:

§ 24.30 Changes.

...

(c) *Budget changes* - (1) Nonconstruction projects. Except as stated in other regulations or an award document, grantees or subgrantees shall obtain the prior approval of the awarding agency whenever any of the following changes is anticipated under a nonconstruction award:

...

(iii) Transfer of funds allotted for training allowances (i.e., from direct payments to trainees to other expense categories).

Assistance and Business Rules related to Transfer of funds allotted for training to other categories of expenses:

- The transfer amount and a justification are required.
- If attaching the justification, please enter "See attachment." in the justification text area.
- Upon submission to NOAA by the Recipient Authorized Representative, the Transfer Training Funds request will automatically be routed to the correct NOAA personnel for review and approval.
- The approval of a Transfer Training Funds request does not normally result in an amendment to the award. The Recipient Authorized Representative(s) will be notified by Grants Online of the approval or rejection of the request. An amendment to the award may result from this request if NOAA determines that it is appropriate to do so.

NOAA Administrative Standard Award Conditions

18) Sub award, transfer or contracting out of any work under the award if not described in the approved application

Assistance and Business Rules related to Sub award, transfer or contracting out of any work under the award if not described in the approved application:

- If not described in the approved application, the recipient may not grant a sub-award, transfer, or contract out any work under the award.
- You must choose the method of selection (competitive or non-competitive), a description of the work, and a justification if the sub-award was chosen non-competitively.
- Upon submission to NOAA by the Recipient Authorized Representative, the Sub-Award request will automatically be routed to the correct NOAA personnel for review and approval.
- This action results in an amendment to the award. It is not considered to be completed until the Recipient Authorized Representative has accepted the Amendment. Tasks and notifications will be generated for the Recipient Authorized Representatives after the Grants Officer approves the Amendment.

19) Pre-Award Cost

15 CFR Part 14, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Nonprofit, and Commercial Organizations" states the following:

§ 14.25 Revision of budget and program plans.

...

(e) Except for requirements listed in paragraphs (c)(1) and (c)(4) of this section, the Grants Officer may waive cost-related and administrative prior written approvals required by this part and OMB Circulars A121 and A122. Such waivers may include authorizing recipients to do any one or more of the following:

(1) Incur pre-award costs 90 calendar days prior to award or more than 90 calendar days with the prior approval of the Grants Officer after coordination with the DoC operating unit. All preaward costs are incurred at the recipient's risk (i.e., the DoC is under no obligation to reimburse such costs if for any reason the recipient does not receive an award or if the award is less than anticipated and inadequate to cover such costs).

Assistance and Business Rules related to Pre-Award Cost:

- This Award Action Request would only be used if the Recipient received the Award more than 90 days prior to the award start date and needed to incur pre-award costs during the period that was more than 90 days prior to the start of the award.
- Upon submission to NOAA by the Recipient Authorized Representative, the Pre-Award Cost request will automatically be routed to the correct NOAA personnel for review and approval.
- The approval of an Pre-Award Cost request does not normally result in an amendment to the award. The Recipient Authorized Representative(s) will be notified by Grants Online of the approval or rejection of the request. An amendment to the award may result from this request if NOAA determines that it is appropriate to do so.

NOAA Administrative Standard Award Conditions

E. Indirect Costs

1. Changes in Indirect Cost Rates

- a. If the rate changes during the award period, the Recipient shall provide a copy of the new negotiated agreement to the Grants Officer showing the effective date of the new rate, as well as provide a list of all awards that will be affected by the new rate.
- b. The recipient is limited to the total allocable indirect costs based on a rate approved by their cognizant Federal agency. If the negotiated rate changes during the award period, prior approval shall be required from the Grants Officer for budget transfers from indirect to direct costs, or vice versa, if the change in the amount of total indirect costs on the approved budget exceeds 10% of the approved total indirect cost line item.
- c. If the Recipient has waived any portion of the approved indirect cost rate at time of award, no claim shall be made against this award at a later date.

2. Changes in Indirect Costs Not Involving Rate Changes

- a. The Recipient may transfer funds between direct costs and indirect costs without prior approval if ALL of the following conditions apply as long as such transfer is noted in the remarks section of the final Financial Status Report (SF-269):
 - i. If a transfer of funds among direct cost categories would result in a revision to the amount of indirect costs approved in the line item budget but does not exceed the cumulative budget transfer threshold of 10% that would require prior approval;
 - ii. If the authorized transfer of funds and the adjustment of the amount of indirect costs do not exceed the approved total project costs;
 - iii. If the indirect cost rate does not change; and
 - iv. If the adjustment of the amount of indirect costs does not result in a change to the approved scope of work of the award.

3. Expired Indirect Cost Rates

- a. If the recipient's Indirect Cost Rate Agreement negotiated by their cognizant Federal agency expires before the start date of the award, then the recipient may continue to use the last approved negotiated rate as long as the recipient submits a request to renegotiate the agreement with their cognizant Federal agency no more than 90 days after the award start date or approval date by the Grants Officer, which ever is later.
- b. A copy of the request to renegotiate the indirect cost rate agreement shall be provided to the Grants Officer with a list of all awards that may be affected by the renegotiation. If the recipient fails to submit required documentation to their cognizant Federal agency to update

NOAA Administrative Standard Award Conditions

their negotiated rate agreement, the Grants Officer may amend the award to preclude recovery of any indirect costs under the award until a satisfactory negotiation is reached, or the cognizant agency has notified NOAA of an acceptable arrangement.

F. Program Income

1. Program income earned during the award period shall be retained by the Recipient and shall be added to funds committed to the award and used for the purposes and under the conditions applicable to the use of the award funds.
2. Program income shall be reported on the Financial Status Report long form (SF-269).

G. Homeland Security Presidential Directive – 12

If the performance of this grant award requires recipients to have physical access to Federal premises for more than 180 days or access to a Federal information system personal identity verification procedures must be implemented. Any items or services delivered under this financial assistance award shall comply with the Department of Commerce personal identity verification procedures that implement Homeland Security Presidential Directive – 12, FIPS PUB 201, and OMB Memorandum M-05-24. The recipient shall insert this clause in all subawards or contracts when the subaward recipient or contractor is required to have physical access to a Federally controlled facility or access to a Federal information system.

H. Compliance with Department of Commerce Bureau of Industry and Security Export Administration Regulations

- (a) This clause applies to the extent that this financial assistance award involves access to export-controlled information or technology.
- (b) In performing this financial assistance award, the recipient may gain access to export-controlled information or technology. The recipient is responsible for compliance with all applicable laws and regulations regarding export-controlled information and technology, including deemed exports. The recipient shall establish and maintain throughout performance of the financial assistance award effective export compliance procedures at non-NOAA facilities. At a minimum, these export compliance procedures must include adequate controls of physical, verbal, visual, and electronic access to export-controlled information and technology.
- (c) Definitions
 - (1) Deemed export. The Export Administration Regulations (EAR) define a deemed export as any release of technology or source code subject to the EAR to a foreign national, both in the United States and abroad. Such release is “deemed” to be an export to the home country of the foreign national. 1.5 C.F.R. & 734.2(B)(2)(ii).

NOAA Administrative Standard Award Conditions

- (2) Export-controlled information and technology. Export-controlled information and technology is information and technology subject to the EAR (15 C.F.R.& 730 et.seq.), implemented by the DOC Bureau of Industry and Security, or the International Traffic I Arms Regulations (ITAR) (22C.F.R.&&120-130), implemented by the Department of State, respectively. This includes, but is not limited to, dual-us items, defense articles and any related assistance, services, software or technical data as defined in the EAR and ITAR.
- (d) The recipient shall control access to all export-controlled information and technology that it possesses or that comes into its possession in performance of this financial assistance award, to ensure that access is restricted, or licensed, as required by applicable Federal laws, Executive Orders, and/or regulations.
- (e) Nothing in the terms of this financial assistance award is intended to change, supersede, or waive and of the requirements of applicable Federal laws, Executive Orders or regulations.
- (f) The recipient shall include this clause, including this paragraph (f), in all lower tier transactions (subawards, contracts, and subcontracts) under this financial assistance award that may involve access to export-controlled information technology.